

After 15 Years, CIA Obeys Order To Give Congress Sensitive Secrets

10/14/95
By R. Jeffrey Smith
Washington Post Staff Writer

Fifteen years after Congress ordered the CIA to share all of its important secrets, the spy agency has finally established rigorous internal procedures for flagging intelligence goof-ups and embarrassments—as well as triumphs—that should be described to lawmakers on a weekly basis, according to senior CIA officials.

As a result, Congress recently has been notified for the first time about some serious human rights abuses committed in years past by CIA informants overseas, about a broad spectrum of past and present terrorist threats to U.S. citizens and embassies overseas, and about some sensitive intelligence operations being conducted jointly with foreign governments, the officials said. They did not provide details.

Members and staff of the congressional committees that oversee the CIA have hailed the new rules. But the policy has provoked some uneasiness among older employees, trained to share sensitive data only with those involved in related CIA activities and not those engaged in oversight. CIA Director John M. Deutch has ordered "more and better training" to reinforce the rules, a senior official said.

The new policy is designed to ensure compliance with a 1980 notification law by ordering CIA employees to provide details to Congress of any embarrassing incidents and potentially controversial activities even without specific inquiries from lawmakers.

CIA officials say the rules should help relieve a chronic tension between the agency and its legislative overseers, arising from what lawmakers say is the CIA's habit of disclosing as little as possible about its activities and lawmakers' insistence on knowing about CIA goofs well before the public might learn about them.

The agency's aim is soothe recent congressional anger over the agency's failure to report accurately about human rights problems in Guatemala

in the early 1990s or to mention until last February that it had paid thousands of dollars in 1991 to an informant in the Guatemalan military linked to the murder of a U.S. citizen there, innkeeper Michael Devine.

No one in Congress directly asked whether the CIA was connected to the alleged murderer, and the CIA never followed through on a 1991 proposal by one of its employees to tell lawmakers about the link. As then-CIA deputy director Richard Kerr said recently, notification of the embarrassing payments "just slipped between the cracks" at the CIA.

The omission provoked three senators to allege in April that Congress had been deliberately misled, and prompted Deutch to fire two senior CIA officers and discipline eight others on Sept. 29 for their involvement in the wrongdoing. To prevent a recurrence, Deutch said he also ordered a series of administrative remedies to ensure that CIA officers understand that "reporting to Congress is an integral part of their professional responsibilities."

According to Washington attorney Anthony Harrington, who chairs President Clinton's Intelligence Oversight Board, no systematic process for flagging such matters existed until Deutch established the new rules, even though a 1980 law said Congress should be kept "fully and currently informed . . . of any significant intelligence activity and any significant intelligence failure," as well as all covert actions.

Harrington, who recently reviewed secret files on the CIA's links to the alleged murderer in Guatemala, said that there was "one overall reason" that the connection was not divulged: the notification requirement "wasn't taken seriously."

CIA general counsel Jeffrey H. Smith describes the new rules as the second major internal reform of the CIA's congressional notification procedures since the mid-1970s. The first effort, initiated by then-CIA Director William W. Webster in 1987, was meant to get agency employees

to abide by what he called the "4 C's" in responding to Congress: candor, completeness, correctness, and consistency.

But a CIA panel established by former acting director William O. Studeman in the wake of the Aldrich H. Ames spy scandal found that Webster's reporting initiative "didn't catch everything it should have caught," including the fact that Moscow had somehow learned the identities of many important CIA agents in Eastern Europe and the Soviet Union during the mid-1980s, Smith said.

David Cohen, who directs CIA covert actions as the new chief of the agency's Directorate of Operations, has been depicted by other senior officials as an enthusiastic supporter of the directive. Cohen has told the chiefs of the regional divisions in his directorate that they must report weekly on matters of potential interest to Capitol Hill, using the new guidelines. The new rules have led the CIA to transmit eight to 10 brief, written reports to Capitol Hill each week, including many on matters that formerly were not routinely disclosed by the agency or were only discussed with a few lawmakers.

A handful of the reports have dealt with evidence that additional human rights abuses were committed by CIA informants in Latin America, officials said, but none has involved crimes as sensational as the alleged murder of Devine in Guatemala.

"In the past, you'd have to be clairvoyant to ask the right questions" to learn about CIA mistakes, one staff aide said. "I think they are discovering that it's far better to come clean than to have us find out about it on our own and come down on them like a ton of bricks."

Sen. Arlen Specter (R-Pa.), who chairs the Select Committee on Intelligence, said, "it certainly is a step in the right direction." He said the new material being provided to the committee "isn't stuff that is earth shattering, but when you put it all together it is important."

Specter added, however, "there have been problems in the past" involving a failure by lower-echelon CIA employees to notify even the CIA director of certain sensitive activities or blunders. As a result, he said, "we're not going to be handing out any bouquets in the first inning."